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Attorney Docket No.: 10004571-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No.:	09/734,996	**Examiner:**	Farzana HOSSAIN
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Title: MEDIA PROGRAM TIMING AND IDENTITY DELIVERY METHOD AND SYSTEM

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
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APPEAL BRIEF - PATENTS

Sir:

This is an Appeal Brief in connection with the decisions of the Examiner in an Office Action dated July 16, 2008, and the Notice of Appeal filed concurrently with this Appeal Brief. It is respectfully submitted that the present application has been more than twice rejected. Each of the topics required in an Appeal Brief and a Table of Contents are presented herewith and labeled appropriately.

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(1) **Real Party In Interest**

The real party in interest is Hewlett-Packard Development Company, L.P.

(2) **Related Appeals And Interferences**

There are no other appeals or interferences related to this case.

(3) **Status Of Claims**

Claims 1-30 and 32-37 are pending and rejected. Claim 31 was canceled. All pending claims are hereby appealed.

(4) **Status of Amendments**

No amendment was filed subsequent to the Office Action dated July 16, 2008.

(5) **Summary Of Claimed Subject Matter**

Claims 1, 13, 16, and 29 of the present invention are independent claims at issue in this appeal. It should be understood that the citations below to the original disclosure as providing support for claimed features are merely exemplary and do not limit the claimed features to only those citations.

According to one embodiment in claim 1, there is provided a streaming media server for providing media content in a plurality of media streams comprising:

a detector for identifying an event in the media content and generating an event detection signal (Fig. 2 at 210; the specification at page 9, lines 23-24);

a module for receiving the event detection signal and generating a structural point detection signal in response to determining, based on configuration information, that the event detection signal indicates that the event is a structural point having significance to the media content (Fig. 2 at 220; the specification at, from page 9, line 25, to page 10, line 2);

a cue generator for receiving the structural point detection signal and the configuration information and based thereon for generating a private cue having a predefined structure, wherein the private cue is configured to be used by a stream processing application (SPA) of only specific affiliates to receive information concerning an event associated with the media content and, wherein the private cue is not interpreted by a third party other than the specific affiliates (Fig. 2 at 230; the specification at page 9, lines 10-14, and page 10, lines 8-20);

a cue handling mechanism for embedding the private cue into one of the plurality of media streams with the media content to provide precise time synchronization for the processing of the one of the plurality of media streams by the SPA (Fig. 2 at 128; the specification at page 9, lines 10-12); and

a network interface for transmitting the embedded private cue and the media content in the one of the plurality of media streams to the SPA of the specific affiliates (Fig. 1 at 120; the specification at page 7, lines 17-18).

According to one embodiment in claim 13, there is provided a method for delivering information associated with a media program in a media stream to a stream processing application (SPA) comprising:

using a detector to identify an event in the media program of the media stream and generate an event detection signal (Fig. 2 at 210; the specification at page 9, lines 23-24);

using a module to receive the event detection signal and generate a structural point detection signal in response to determining, based on configuration information, that the event detection signal indicates that the event is a structural point having significance to the media program (Fig. 2 at 220; the specification at, from page 9, line 25, to page 10, line 2);

using a cue generator for receiving the structural point detection signal and the configuration information and based thereon for generating a private cue packet to represent the structural point in response to determining that the event is a structural point, wherein the private cue packet is configured to be used by the stream processing application (SPA) of only specific affiliates to receive information concerning the event such that a third party does not interpret the private cue packet (Fig. 2 at 230; the specification at page 9, lines 10-14, and page 10, lines 8-20) and;

embedding said private cue packet in said media stream with the media program to provide precise time synchronization for processing of the media stream by the SPA (Fig. 2 at 128; the specification at page 9, lines 10-12); and

transmitting said private cue packet and the media program in the media stream to the SPA of the specific affiliates (Fig. 1 at 120; the specification at page 7, lines 17-18).

According to one embodiment in claim 16, there is provided a content distribution network comprising:

a media server for broadcasting a media program in at least one media stream to a stream processing application (SPA) of specific affiliates, the media program having at least

one structural point (Fig. 1 at 110; the specification at page 7, lines 17-18, and, from page 9, line 25, to page 10, line 2); and

a server-side cue handling mechanism for delivering program timing, structure, and identity information related to the media program in the at least one media stream in the form of a private cue, the server-side cue handling mechanism comprising a detector identifying an event in the media program and generating an event detection signal, a module receiving the event detection signal and generating a structural point detection signal in response to determining, based on configuration information, that the event detection signal indicates that the event is a structural point having significance to the media program, and a cue generator receiving the structural point detection signal and the configuration information and based thereon for generating a private cue having a predefined structure, wherein the private cue is embedded in the at least one media stream with the media program to provide precise time synchronization for processing of the at least one media stream by the SPA of the specific affiliates, and wherein the private cue is configured to be used by a stream processing application (SPA) of only the specific affiliates such that the private cue is not interpreted by a third party other than the specific affiliates (Fig. 2 at 210, 220, 230 and 128; the specification at page 9, lines 10-14, and from page 9, line 23, to page 10, line 20).

According to one embodiment in claim 29, there is provided a method comprising:

generating a media stream containing a media program at a stream generator of a media server (Fig. 7 at 710; the specification at page 20, lines 11-13);

using a detector to identify an event in the media stream and generate an event detection signal (Fig. 2 at 210; the specification at page 9, lines 23-24);

using a module to receive the event detection signal and generate a structural point detection signal in response to determining, based on configuration information, that the event detection signal indicates that the event is a structural point having significance to the media program (Fig. 2 at 220; the specification at, from page 9, line 25, to page 10, line 2);

using a cue generator for receiving the structural point detection signal and the configuration information and based thereon for generating, at a cue handling mechanism of the media server, a private cue packet to represent the structural point in response to determining that the event is a structural point, wherein the private cue packet is configured to be used by a stream processing application (SPA) of only specific client receivers to receive information concerning the structural point such that the private cue packet is not interpreted by a third party (Fig. 2 at 230; the specification at page 9, lines 10-14, and page 10, lines 8-20);

embedding said private cue packet in said media stream with the media program (Fig. 2 at 128; the specification at page 9, lines 10-12); and

communicating said media stream and said private cue packet from said media server to at least one intermediary network node (Fig. 7 at 710 and 730; the specification at page 20, lines 10-13, and page 10, lines 8-20);

said at least one intermediary network node modifying, based at least in part on said private cue packet, said media stream to generate a modified media stream (Fig. 7 at 730; the specification at page 20, lines 15-18); and

said at least one intermediary network node communicating said modified media stream to at least one of the specific client receivers (Fig. 7 at 720 and 730; the specification at page 20, lines 10-11).

(6) **Grounds of Rejection to be Reviewed on Appeal**

A. Whether claims 1-11, 13-18, 23, 24, 26-30 and 32-37 are unpatentable under U.S.C. §103(a) over U.S. Patent No. 6,005,603 to Flavin in view of U.S. Patent No. 6,487,721 to Safadi and U.S. Patent Application Publication No. 2001/0037500 to Reynolds et al. ("Reynolds").

B. Whether claim 12 is unpatentable under U.S.C. §103(a) over Flavin in view of Safadi and Reynolds, as applied in the Office Action to claim 10, and in further view of two SMPTE Standards, SMPTE 309M-1999 and SMPTE 12M-1999.

C. Whether claims 19-22 are unpatentable under U.S.C. §103(a) over Flavin in view of Safadi and Reynolds, as applied in the Office Action to claim 17, and in further view of U.S. Patent Application Publication No. 2001/0000194 to Sequeira.

D. Whether claim 25 is unpatentable under U.S.C. §103(a) over Flavin in view of Safadi and Reynolds, as applied in the Office Action to claim 1, and in view of alleged applicant's admission of fact.

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(7) Arguments

A. The rejection of claims 1-11, 13-18, 23, 24, 26-30 and 32-37 as being unpatentable under U.S.C. §103(a) over Flavin in view of Safadi and Reynolds should be reversed.

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 1-11, 13-18, 23, 24, 26-30, and 32-37

Claims 1-11, 13-18, 23, 24, 26-30, and 32-37 were rejected as being unpatentable under U.S.C. §103(a) over Flavin in view of Safadi and Reynolds. This rejection should be reversed for at least the following reasons.

Claim 1 recites:

> A streaming media server for providing media content in a plurality of media streams comprising:

a detector for identifying an event in the media content and generating an event detection signal;

a module for receiving the event detection signal and generating a structural point detection signal in response to determining, based on configuration information, that the event detection signal indicates that the event is a structural point having significance to the media content;

a cue generator for receiving the structural point detection signal and the configuration information and based thereon for generating a private cue having a predefined structure, wherein the private cue is configured to be used by a stream processing application (SPA) of only specific affiliates to receive information concerning an event associated with the media content and, wherein the private cue is not interpreted by a third party other than the specific affiliates; . . ..

First, as conceded in the Office Action at page 6, Flavin is "silent on the detector, module." The Office Action also refers to Fig. 1 of Flavin and the segment announcers 109 and 110 of Flavin. In reference to Fig. 1, Flavin discloses segment announcers 109 and 110 to "enter descriptive information about the content of one or more content streams 112." Flavin at column 2, lines 57-62. However, the segment announcers 109 and 110 of Flavin and the rest of Flavin's disclosure fails to teach or suggest a detector and a module for performing the above-recited features in claim 1, as described in detail below.

Second, Flavin fails to teach or suggest a module for receiving an event detection signal generated by a detector and generating a structural point detection signal in response to determining, based on configuration information, that the event detection signal indicates that the event is a structural point having significance to the media content, and a cue generator

for receiving the structural point detection signal and the configuration information and based thereon for generating a private cue having a predefined structure, as recited in claim 1. In reference to Fig. 1 of Flavin, the Office Action at page 5 states that segment announcers 109-110 correspond to a cue generator. However, Flavin fails to teach or suggest that the segment announcers 109-110 receive a structural point detection signal from a module for receiving an event detection signal generated by a detector. Also, Flavin fails to teach or suggest that such a module for receiving an event detection signal generates the structural point detection signal in response to determining, based on configuration information received by the announcers 109-110, that an event detection signal indicates that an event is a structural point. In particular, Flavin does not generate a structural point detection signal in response to a determination. Furthermore, Flavin fails to teach the claimed determination based on the configuration information. Thus, Flavin fails to teach or suggest a module and a cue generator performing the above-recited features of claim 1, and thus fails to teach or suggest the above-recited module and cue generator of claim 1.

Third, Safadi fails to teach or suggest ways to overcome the above-discussed deficiencies of Flavin. For example, Safadi fails to teach or suggest the above-recited module and cue generator of claim 1. The Office Action at page 6 states that, in reference to Fig. 3 of Safadi, a control 320 corresponds to both a module and a cue generator of claim 1. However, claim 1 recites that a module generates a structural point detection signal and a cue generator receives the structural point detection signal. Thus, in claim 1, the module and the cue generator are claimed to be separate devices. A single element such as the control 320 of Safadi cannot teach nor suggest both the module and the cue generator of claim 1. Further, Safadi fails to teach or suggest that the control 320 generates a structural point detection

signal in response to determining, based on configuration information, that an event signal indicates that an event is a structural point, where the configuration information is received by a cue generator. For example, Safadi fails to teach any use of common configuration information by both the control 320 and a cue generator. Thus, Safadi fails to teach or suggest the above-recited module and cue generator of claim 1.

Fourth, Reynolds fails to teach or suggest ways to overcome the above-discussed deficiencies of Flavin and Safadi. For example, Reynolds fails to teach or suggest a module and cue generator recited in claim 1. The Office Action at page 6 states that, in reference to Fig. 2 of Reynolds, a stripper 132 corresponds to a module and a processor 134 corresponds to a cue generator as recited in claim 1. However, Reynolds fails to teach or suggest that the stripper 132 generates a structural point detection signal in response to determining, based on configuration information, that an event signal indicates that an event is a structural point, where the configuration information is received by the processor 134. For example, Safadi fails to teach any use of common configuration information by both the stripper 132 and the processor 134. Thus, Reynolds fails to teach or suggest the above-recited module and cue generator of claim 1.

Fifth, while none of Flavin, Safadi, and Reynolds teaches or suggests the above-recited module and cue generator of claim 1, for at least the reasons discussed above, the Office Action fails to teach or suggest how the combination may cure such deficiencies. Thus, the Office Action failed to establish how the proposed combination teaches or suggests all of the recited features of claim 1.

Thus, for at least the above-discussed reasons, it is respectfully submitted that the Office Action ***failed*** to establish a ***prima facie*** case of obviousness against claim 1 and its

dependent claims 2-11 and 23-24. Therefore, reversal of the rejection of claims 1-11 and 23-24 and their allowance is respectfully requested.

Independent claims 13, 16, and 29 each recite features similar to those features of claim 1 discussed above. Thus, it is respectfully submitted that for the reasons set forth earlier with respect to independent claim 1, that the rejection of claims 13, 16, and 29 and their respective dependent claims 14-15, 17-18, 26-28, 30, and 32-37 under 35 U.S.C. §103(a) as being unpatentable over Flavin in view of Safadi and Reynolds be reversed.

B. The rejection of claim 12 as being unpatentable under U.S.C. §103(a) over Flavin in view of Safadi and Reynolds, as applied in the Office Action to claim 10, and in further view of two SMPTE Standards, SMPTE 309M-1999 and SMPTE 12M-1999 should be reversed.

Claim 12 is rejected under U.S.C. §103(a) as being unpatentable over Flavin in view of Safadi and Reynolds, as applied in the Office Action to claim 10, and in further view of two SMPTE Standards, SMPTE 309M-1999 and SMPTE 12M-1999. This rejection should be reversed for at least the following reasons.

Claim 12 depends from claim 10, which in turn depends from claim 1. Thus, for at least the same reasons set forth with respect to claim 1, Flavin in view of Safadi and Reynolds, either alone or in combination, fail to teach or suggest the above-discussed features of claim 1.

The two SMPTE Standards, SMPTE 309M-1999 and SMPTE 12M-1999, fail to overcome the above-discussed deficiencies of Flavin, Safadi and Reynolds. More specifically, the Office Action at page 21 relies on the two SMPTE Standards to show

features related to SMPTE date and time encoding of claim 12. However, the two SMPTE Standards, SMPTE 309M-1999 and SMPTE 12M-1999, fail to teach or suggest a module and a cue generator of claim 1.

Thus, for at least the above-discussed reasons, the proposed combination of Flavin, Safadi, Reynolds, and the two SMPTE Standards, SMPTE 309M-1999 and SMPTE 12M-1999, fails to teach or suggest the above-discussed features of claim 12. It is respectfully submitted that the Office Action ***failed*** to establish a ***prima facie*** case of obviousness against claim 12. Therefore, reversal of the rejection of claim 12 and its allowance is respectfully requested.

C. The rejection of claims 19-22 as being unpatentable under U.S.C. §103(a) over Flavin in view of Safadi and Reynolds, as applied in the Office Action to claim 17, and in further view of Sequeira should be reversed.

Claims 19-22 are rejected under U.S.C. §103(a) as being unpatentable over Flavin in view of Safadi and Reynolds, as applied in the Office Action to claim 17, in further view of Sequeira. This rejection should be reversed for at least the following reasons.

Claims 19-22 variously depend from claim 16. Thus, for at least the same reasons set forth with respect to claim 16, Flavin in view of Safadi and Reynolds, either alone or in combination, fail to teach or suggest the above-recited features of claim 16.

Sequeira fails to overcome the above-discussed deficiencies of Flavin, Safadi and Reynolds. Instead, Sequeira discloses a system for associating and controlling multimedia supporting events with a primary event. Sequeira at Abstract lines 1-2. The Office Action at pages 23 and 24 relies on Sequeira as showing features of claims 19-22 related to an

intermediary stream processing application. However, any such features of Sequeira and the rest of Sequeira's disclosure fail to teach or suggest the above-discussed features of claim 16.

Thus, for at least the above-discussed reasons, the proposed combination of Flavin, Safadi, Reynolds, and Sequeira fails to teach or suggest the above-discussed features of claims 19-22. It is respectfully submitted that the Office Action *failed* to establish a *prima facie* case of obviousness against claims 19-22. Therefore, reversal of the rejection of claims 19-22 and their allowance is respectfully requested.

D. The rejection of claim 25 as being unpatentable under U.S.C. §103(a) over Flavin in view of Safadi and Reynolds, as applied in the Office Action to claim 1, and in further view of alleged applicant's admission of fact should be reversed.

Claim 25 is rejected under U.S.C. §103(a) as being unpatentable over Flavin in view of Safadi and Reynolds, as applied in the Office Action to claim 1, in view of alleged applicant's admission of fact (AAAF). This rejection should be reversed for at least the following reasons.

First, contrary to the assertion in the Office Action at page 25, Applicant has not admitted as prior art use of "RTP for the advantage of delivering real-time data." The specification at page 13, lines 5-8, states that program cue is constructed by creating a new Real-Time Transport Protocol (RTP) payload type. However, such statement and the rest of the specification do not admit implicitly or explicitly that a generation of a private cue "as a Real-Time Transport Protocol (RTP) payload" as recited in claim 25 is prior art. The Office Action does not state where the alleged admission is made, and it is respectfully submitted that such an admission has not been made by the applicant.

Second, claim 25 depends from claim 1. Thus, for at least the same reasons set forth with respect to claim 1, Flavin in view of Safadi and Reynolds, either alone or in combination, fail to teach or suggest the above-recited features of claim 1.

AAAF fails to overcome the above-discussed deficiencies of Flavin, Safadi and Reynolds. More specifically, the Office Action at page 21 relies on AAAF as showing features related to RTP payload of claim 25. However, any such features of AAAF fails to teach or suggest a module and a cue generator of claim 1.

Thus, for at least the above-discussed reasons, the proposed combination of Flavin, Safadi, Reynolds, and AAAF fails to teach or suggest the above-discussed features of claim 25. It is respectfully submitted that the Office Action *failed* to establish a *prima facie* case of obviousness against claim 25. Therefore, reversal of the rejection of claim 25 and its allowance is respectfully requested.

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(8) Conclusion

For at least the reasons given above, the rejections of claims 1-30 and 32-37 are improper. Accordingly, it is respectfully requested that such rejections by the Examiner be reversed and these claims be allowed. Attached below for the Board's convenience is an Appendix of claims 1-30 and 32-37 as currently pending.

Please grant any required extensions of time and charge any fees due in connection with this Appeal Brief to deposit account no. 08-2025.

Respectfully submitted,

Dated: October 14, 2008 By

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(9) **Claim Appendix**

1. (Previously Presented) A streaming media server for providing media content in a plurality of media streams comprising:

a detector for identifying an event in the media content and generating an event detection signal;

a module for receiving the event detection signal and generating a structural point detection signal in response to determining, based on configuration information, that the event detection signal indicates that the event is a structural point having significance to the media content;

a cue generator for receiving the structural point detection signal and the configuration information and based thereon for generating a private cue having a predefined structure, wherein the private cue is configured to be used by a stream processing application (SPA) of only specific affiliates to receive information concerning an event associated with the media content and, wherein the private cue is not interpreted by a third party other than the specific affiliates;

a cue handling mechanism for embedding the private cue into one of the plurality of media streams with the media content to provide precise time synchronization for the processing of the one of the plurality of media streams by the SPA; and

a network interface for transmitting the embedded private cue and the media content in the one of the plurality of media streams to the SPA of the specific affiliates.

2. (Previously Presented) The server of claim 1 wherein the private cue includes one of program timing, program structure, program identity, start time of a media program, and stop time of a media program.

3. (Original) The server of claim 1 wherein the stream processing application (SPA) is a program recording application.

4. (Original) The server of claim 1 wherein the stream processing application (SPA) is a program insertion application.

5. (Original) The server of claim 1 wherein the stream processing application (SPA) is a program modification application.

6. (Original) The server of claim 1 wherein the stream processing application (SPA) is a program adaptation application.

7. (Previously Presented) The server of claim 1 wherein the stream processing application (SPA) is a program switching application.

8. (Previously Presented) The server of claim 1 wherein the private cue includes time sensitive program information.

9. (Previously Presented) The server of claim 1 wherein the private cue includes a cue type that is one of an event notification cue, an event pending cue, an event termination cue, and an event continuing cue, and a user-defined custom cue.

10. (Previously Presented) The server of claim 1 wherein the predefined structure of the private cue includes at least one of the following fields:

an event type field for specifying an event type;

a cue type field for specifying a cue type;

a version field for specifying a cue command protocol version;

a number field for specifying a number that in combination with the event type specified by the event type filed uniquely describes an event;

a duration field for specifying the time remaining before completion of a specified event;

a. date field for specifying date information;

a time field for specifying time information;

a label byte count field for specifying the byte count in bytes of a subsequent variable-length text field; and

a variable-length label field for storing text suitable for display.

11. (Original) The server of claim 10 wherein the event type field is one of an advertisement event type, a video-frame event type, an interstice event type, an audio-track event type, an audio-segment event type, an video-segment event type cue, program-title

event type, program-description event type, program-label event type, content-type event type, program-advisory, and riser-defined event type.

12. (Original) The server of claim 10 wherein the date field includes data information encoded with a Society of Motion Picture and Television Engineer's (SMPTE) date encoding and wherein the time field includes time information encoded with a Society of Motion Picture and Television Engineer's (SMPTE) time encoding.

13. (Previously Presented) A method for delivering information associated with a media program in a media stream to a stream processing application (SPA) comprising:

using a detector to identify an event in the media program of the media stream and generate an event detection signal;

using a module to receive the event detection signal and generate a structural point detection signal in response to determining, based on configuration information, that the event detection signal indicates that the event is a structural point having significance to the media program;

using a cue generator for receiving the structural point detection signal and the configuration information and based thereon for generating a private cue packet to represent the structural point in response to determining that the event is a structural point, wherein the private cue packet is configured to be used by the stream processing application (SPA) of only specific affiliates to receive information concerning the event such that a third party does not interpret the private cue packet and;

embedding said private cue packet in said media stream with the media program to provide precise time synchronization for processing of the media stream by the SPA; and

transmitting said private cue packet and the media program in the media stream to the SPA of the specific affiliates.

14. (Previously Presented) The method of claim 13 wherein the step of generating a private cue packet to represent the structural point includes generating the private cue packet automatically.

15. (Previously Presented) The method of claim 13 further comprising:

receiving a packet;

determining whether the packet is a private cue packet;

when the packet is a private cue packet, then determining if the private cue packet triggers an action based on predetermined configuration parameters;.

when the private cue packet triggers an action, using information from the private cue packet to perform a function;

otherwise, discarding the private cue packet.

16. (Previously Presented) A content distribution network comprising:

a media server for broadcasting a media program in at least one media stream to a stream processing application (SPA) of specific affiliates, the media program having at least one structural point; and

a server-side cue handling mechanism for delivering program timing, structure, and identity information related to the media program in the at least one media stream in the form of a private cue, the server-side cue handling mechanism comprising a detector identifying an event in the media program and generating an event detection signal, a module receiving the event detection signal and generating a structural point detection signal in response to determining, based on configuration information, that the event detection signal indicates that the event is a structural point having significance to the media program, and a cue generator receiving the structural point detection signal and the configuration information and based thereon for generating a private cue having a predefined structure, wherein the private cue is embedded in the at least one media stream with the media program to provide precise time synchronization for processing of the at least one media stream by the SPA of the specific affiliates, and wherein the private cue is configured to be used by a stream processing application (SPA) of only the specific affiliates such that the private cue is not interpreted by a third party other than the specific affiliates.

17. (Previously Presented) The network of claim 16 further comprising:

a client-side cue handling mechanism for receiving packets, determining that a particular packet is a private cue packet, and decoding program timing, structure, and identity information from the private cue packet.

18. (Original) The network of claim 17 further comprising:

an application coupled to the client-side cue handling mechanism for using the program timing, structure, and identity information of the media stream to perform an application function.

19. (Previously Presented) The network of claim 17 further comprising:

an intermediary stream processing application for receiving the media stream that includes the private cue packet, processing the media stream, and re-transmitting the media stream to one of other intermediary stream processing application and a client-side cue handling mechanism.

20. (Previously Presented) The network of claim 19 wherein processing the media stream includes processing at least one private cue packet.

21. (Previously Presented) The network of claim 19 wherein re-transmitting the media stream to one of other intermediary stream processing application and receivers includes adding at least one private cue packet to the media stream.

22. (Previously Presented) The network of claim 19 wherein re-transmitting the media stream to one of other intermediary stream processing application and receivers includes removing at least one private cue packet from the media stream.

23. (Previously Presented) The server of claim 1 further comprising:

a stream generator for generating said media streams.

24. (Previously Presented) The server of claim 1 wherein said cue generator is further operable to insert said generated private cue into a corresponding media stream to which said generated private cue relates.

25. (Previously Presented) The server of claim 1 wherein said private cue is generated as a Real-Time Transport Protocol (RTP) payload.

26. (Previously Presented) The network of claim 17 further comprising:

a server-side stream generator for generating said at least one media stream, wherein said cue handling mechanism inserts said private cue packet in the at least one media stream.

27. (Previously Presented) The network of claim 26 further comprising:

a server-side network interface for communicating said at least one media stream having said private cue packet inserted therein across a communication network to at least one client.

28. (Previously Presented) The network of claim 27 wherein said network interface broadcasts said at least one media stream having said private cue packet inserted therein to a plurality of clients.

29. (Previously Presented) A method comprising:

generating a media stream containing a media program at a stream generator of a media server;

using a detector to identify an event in the media stream and generate an event detection signal;

using a module to receive the event detection signal and generate a structural point detection signal in response to determining, based on configuration information, that the event detection signal indicates that the event is a structural point having significance to the media program;

using a cue generator for receiving the structural point detection signal and the configuration information and based thereon for generating, at a cue handling mechanism of the media server, a private cue packet to represent the structural point in response to determining that the event is a structural point, wherein the private cue packet is configured to be used by a stream processing application (SPA) of only specific client receivers to receive information concerning the structural point such that the private cue packet is not interpreted by a third party;

embedding said private cue packet in said media stream with the media program; and

communicating said media stream and said private cue packet from said media server to at least one intermediary network node;

said at least one intermediary network node modifying, based at least in part on said private cue packet, said media stream to generate a modified media stream; and

said at least one intermediary network node communicating said modified media stream to at least one of the specific client receivers.

30. (Previously Presented) The method of claim 29 further comprising:

said at least one client receiver processing said modified media stream to generate output to an end user.

32. (Previously Presented) The method of claim 29 wherein said modifying comprises:

adding at least one cue packet to the media stream.

33. (Previously Presented) The method of claim 29 wherein said modifying comprises:

removing said private cue packet from the media stream.

34. (Previously Presented) The method of claim 29 wherein said modifying comprises:

inserting a second media stream into said media stream.

35. (Previously Presented) The method of claim 34 wherein said second media stream comprises at least one advertisement.

36. (Previously Presented) The method of claim 29 wherein said media stream and said private cue packet are communicated from said media server to a plurality of different intermediary network nodes, wherein each of said different intermediary network nodes comprises respective target client receivers to whom it communicates modified media stream generated thereby.

37. (Previously Presented) The method of claim 36 comprising:

generating, by a first of said intermediary network nodes, a first modified media stream; and

generating, by a second of said intermediary network nodes, a different modified media stream.

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(10) Evidence Appendix

None.

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(11) Related Proceedings Appendix

None.